

## **REMARKS**

Claims 51-67 are currently pending in this application.

Applicants note with appreciation, the time and effort taken by the Examiner during the Examiner Interview on March 9, 2006 with Applicants' representative, and during the subsequent email and telephone discussions.

Claim 45 stands objected to for informalities. Claim 45 has been canceled rendering this objection moot.

Claims 1-12, 14-27 and 30-50 stand rejected under 35 U.S.C. 103 as being unpatentable over USP 4,319,088 to Orfield and USP 5,406,634 to Anderson. Applicants respectfully traverse this art grounds of rejection.

As shown in Fig. 3, Orfield teaches a master sound masking unit 14 having one or more slaves (i.e., speakers) 16 connected to the master unit 14. Only a master unit 14 (see Fig. 1) has the capability to generate a sound masking signal. The Examiner recognizes that the masters units 14 are not connected together in a network, and that there is no control unit controlling the master units 14.

The Examiner contends that Anderson teaches the deficiencies of Orfield with respect to the claimed invention, and that one skilled in the art would have applied these teachings to Orfield.

As shown in Figs. 1 and 2, Anderson teaches a paging/music system including intelligent speaker units 22 connected in a network with a control architecture (computer 10 and board 11). The intelligent speaker units 22 can NOT generate sound masking signals, but do receive and output paging/music

signals. Anderson provides NO teaching or suggestion of networking and centrally controlling sound masking units.

Also, Orfield provides no suggestion of networking and controlling sound masking units even though Orfield was clearly aware of paging systems. As taught by Orfield in Col. 7, lines 46-68, the master units 14 of Orfield have dual voice coil speakers that provide the possibility of adding a paging or music signal. Furthermore, Orfield provides adjusting potentiometers such that the paging/music signal may be independently adjusted from the sound masking signal.

As discussed several times during the interview, paging/music systems and sound masking systems solve fundamentally different problems. Paging/music systems attempt to deliver the same content throughout a workspace. Sound masking systems attempt to suppress the sound within a workspace. However, the workspace includes different zones of ambient noise characteristics, and therefore, each zone requires a different sound masking content. Orfield recognizes this and distinguishes between "paging/music signals" and "sound masking signals". Orfield teaches providing a master unit 14 and plurality of slave units 16 for each zone. The master unit 14 outputs a sound masking signal tailored to suppress sound within the associated zone. Sound masking is zone specific, and as such, Orfield teaches controlling the sound masking operation at the zone through the use of user manipulated potentiometers.

If one skilled in the art were to modify Orfield as suggested by the Examiner to provide centralized control, this would defeat one of the key features of the Orfield system. It is a well-known tenet of patent law that where a suggested combination/modification of a reference leads to the destruction of a teaching in the reference, the suggested combination/modification would NOT have been obvious to one skilled in the art. Orfield clearly teaches away from a combination/modification as suggested by the Examiner.

The Examiner suggests that the combination/modification would have been made so that adjustments to the sound masking unit could be made remotely, but the Examiner does not indicate why one skilled in the art would desire this. Instead, this appears to be disadvantage of the combination/modification. Instead of taking measurements in the zone and directly adjusting sound masking for the zone by using the potentiometers of Orfield, one would now be forced to: record the measurements; travel to the central control location; program the central controller to issue instructions; etc.

Furthermore, even if one skilled in the art were to combine Anderson with Orfield, they would not have combined Anderson with Orfield in the manner suggested by the Examiner. Orfield clearly expected that his system would be combined with a paging/music system, and provided for dual voice coils to facilitate this combination. Accordingly, a proper combination of Anderson with Orfield would leave the sound masking elements of Orfield unchanged, and would merely connect the other set of voice coils into the

Anderson network. As such, Orfield in view of Anderson does not result in networked sound masking units under the control of a control unit.

For the reasons set forth above, independent claim 31 is not rendered obvious to one skilled in the art by Orfield in view of Anderson.

Claims 52-66, dependent on claim 31, are patentable at least for the reasons stated above with respect to claim 31.

Furthermore, with respect to newly added claim 67, even assuming Anderson was combined with Orfield as suggested by the Examiner, the combination fails to disclose communication channel structure recited in claim 67. Namely, while Anderson does teach a time slot structure for communicating control information, Anderson does not teach a control channel for sending control signals to a plurality of sound masking units as recited in claim 67.

Claims 13 stands rejected under 35 U.S.C. 103 as being unpatentable over Orfield in view of Anderson and Inami. Claim 13 has been canceled rendering this rejection moot.

## **CONCLUSION**

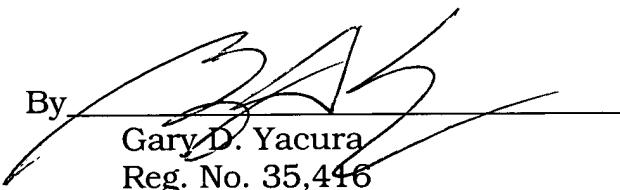
It is respectfully submitted that the present amendments and remarks herein represent a complete response to all outstanding issues and that the subject application is in condition for allowance. Favorable consideration is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, DICKEY & PIERCE, PLC

By   
Gary D. Yacura  
Reg. No. 35,446

GDY:jcp

P.O. Box 8910  
Reston, VA 20195  
(703) 668-8000